

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 741 of 2005

Between:

M/s. Durga Liquors India Private Limited,
Davuluru Village, Kankipadu Mandal,
Krishna District, Rep. by Managing Director
Sri. M. Ramaiah, S/o. Rachaiah, aged 55 Years,
R/o. Patamata, Vijayawada-010.

..... PETITIONER

AND

1. The Assistant Provident Commissioner,
Employees Provident Funds Organisation,
Sub-Regional Office, 3rd Line, Krishna Nagar, Guntur.
- 2 The Recovery Officer, O/o. Recovery Officer,
Employees' Provident Funds
Organisation, Sub-Regional Office, 3rd Line,
Krishna Nagar, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ more particularly one in the nature of Writ of Certiorari, call for the records from the 1st respondent and set-aside the order No. AP/16484/7A/SRO/GNT/1122, Dt. 11-10-2004 of the 1st respondent being illegal arbitrary unjust and violation of provision of E.P.F. Act and Art. 14, 19(i)(g) and 21 of the Constitution of India

Counsel for the Petitioner: MR.P.MADHUSUDHAN RAO

Counsel for the Respondent: MR.R.N.REDDY

The Court at the admission stage made the following:

ORDER:

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The present writ petition is filed challenging the order dated 11.10.2004 passed by the 1st respondent/Assistant Provident Commissioner, Guntur determining the amount of Rs.3,51,460/- payable by the petitioner towards provident fund dues for the period from 4/2000 to 3/2003 under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short the 'the Act').

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents. Both the counsel agreed for disposal of the writ petition at the stage of admission.

Learned Standing Counsel for respondent Mr.R.N.Reddy submits that against the impugned orders an appeal lies under Section 7 (I) of the Act and that without availing the said remedy the petitioner has approached this Court in a haste manner.

Since alternative efficacious remedy is provided under the Act, the petitioner is at liberty to file an appeal under Section 7 (I) of the Act, within a period of four weeks from today. Pending appeal, there shall be stay of further proceedings dated 11-10-2004 on condition of petitioner depositing 50% of the amount demanded within six weeks from today, and no coercive steps shall be taken pending appeal.

Subject to above observation, the writ petition is disposed of at the stage of admission.

N.V.RAMANA,J

27-1-2005

Dsr/Tvk.

To:

1. The Assistant Provident Commissioner,
Employees Provident Funds Organisation,
Sub-Regional Office, 3rd Line, Krishna Nagar, Guntur.
- 2 The Recovery Officer, O/o. Recovery Officer,
Employees' Provident Funds
Organisation, Sub-Regional Office, 3rd Line,
Krishna Nagar, Guntur.

3 Two CD copies

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